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02-28-02

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Box Sequence

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April 19, 2002

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Re: U.S. Patent Application No: 09/945,166
Entitled: *Targeted Nucleic Acid Constructs and Uses Related Thereto*
Filed: August 31, 2001
By: Elmaleh et al.
Atty Ref: MGA-003.01

Dear Sir:

Enclosed for filing in the above-referenced patent application please find the following:

1. Response to Notice to Comply with Requirements (1 page);
2. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (3 pages);
3. Electronic copy of Sequence Listing submitted on December 13, 2001;
4. Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825 (2 pages); and
5. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

Certificate of First Class Mailing	Respectfully submitted, FOLEY, HOAG & ELIOT LLP
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, PO Box 2327, Arlington, VA 22202 on the date set forth below: <u>April 19, 2002</u> Date <u>Michael Phelan</u>	 Isabelle M. Clauss, Ph.D. Reg. No. 47,326 Attorney for Applicants Customer ID No. 25181

20/500644.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elmaleh et al.	Examiner: To be assigned
Serial No: 09/945,166	Art Unit: 1642
Filed: August 31, 2001	Attorney Docket No. MGA-003.01
For: <i>Targeted Nucleic Acid Constructs and Uses Related Thereto</i>	

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Certificate of First Class Mailing (37 CFR 1.8(a))

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April 19, 2002
Date of Signature and Mail Deposit

By: Michael Phelan

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS

Dear Sir:

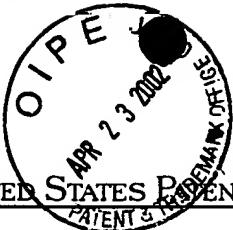
In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants submit herewith an electronic copy of the paper copy of the Sequence Listing that was submitted on December 13, 2001 and a Statement that the sequence listing information recorded in computer readable form is identical to the written Sequence Listing previously submitted. No new matter has been added.

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

Respectfully submitted,

By: I. Clauss
Isabelle M. Clauss, Ph.D.
Reg. No. 47,326
Attorney for Applicants

Patent Group
FOLEY, HOAG & ELIOT, LLP
One Post Office Square
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Customer ID No. 25181
Dated: April 19, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/945,166	08/31/2001	David R. Elmaleh	MGA-003.01

25181
FOLEY, HOAG & ELIOT, LLP
PATENT GROUP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

Sequence Listing
DUE: 4.19.02
FINAL: 9.19.02

CONFIRMATION NO. 1584
FORMALITIES LETTER



OC00000007495934

Date Mailed: 02/19/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

filed

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

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PATENT DEPT.
DOCKETING



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/945,166	08/31/2001	David R. Elmaleh	MGA-003.01

CONFIRMATION NO. 1584

25181
FOLEY, HOAG & ELIOT, LLP
PATENT GROUP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

FORMALITIES LETTER



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Date Mailed: 02/19/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
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A copy of this notice MUST be returned with the reply.

[Signature]

Customer Service Center

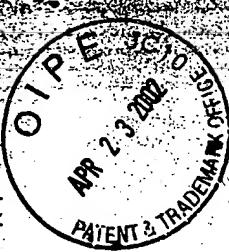
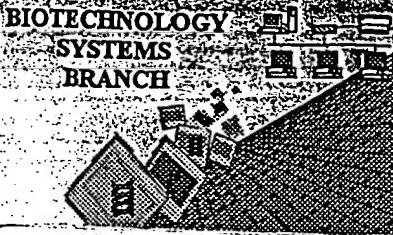
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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JAN 31 2002

TECH CENTER 1600/2800



CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/945,166

Filing Date: 8/31/2001

Date Processed by STIC: 1/23/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

(circle one) Damaged or Unreadable (for Unreadable, see attached)
 Blank (no files on CRF) (see attached)
 Empty file (filename present, but no bytes in file) (see attached)
 Virus-infected. Virus name: _____ The STIC will not process the CRF.
 Not saved in ASCII text
 Sequence Listing was embedded in the file. According to Sequence Rules,
submitted file should only be the Sequence Listing.
 Did not contain a Sequence Listing. (see attached sample)
 Other:

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom, including:

1. EFS-Bio. (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name,
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,
2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office,
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202